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**Testimony of Senator Len Fasano
Environment Committee Public Hearing
Friday, March 16, 2012
10:00 AM in Room 2B of the LOB**

SB 376 AN ACT CONCERNING THE COASTAL MANAGEMENT ACT AND SHORELINE FLOOD AND EROSION CONTROL STRUCTURES.

Tropical storm Irene tore apart Connecticut's shoreline late last summer leaving an indelible mark on the shoreline and its residents. Homes disappeared, neighborhoods were destroyed, streets were ripped up, and catastrophic damage occurred all along the coast. We have not witnessed such widespread coastal flooding and destruction since the Great Hurricane of 1938.

But after the flood waters receded and shock of the damage dissipated, people sought to rebuild their homes and their lives. It is a time when state government should be helping them, making it easier for them to rebuild, to protect their property. And if not to help, then certainly not to hinder their efforts to get back what was once theirs.

Unfortunately, the storm and its aftermath has brought to the surface a policy clash between those who have a statutory and constitutional right to rebuild their homes and protect their properties, and those who would have the entire coast returned to its natural state. Making matters worse, there are some who are taking advantage of a rare storm event, to force their agenda on Connecticut shoreline residents. Some staff within a state agency are refusing to allow these residents their statutory right to protect their homes by way of erosion control, sea walls, and other coastal flood management methods.

Senate Bill 376 is an attempt to clarify the policies and rules covering erosion control methods on the coast. Said bill does not seek to add any further rights to protect ones property. It clarifies and streamlines a process to allow construction using the best environmental method. It realizes that there are other means to address potential flooding that can offer enough protection to property while having a minimal impact on the environment. It seeks to find some middle ground that will give property owners protection, without widespread hardening of the coast.

In the interest of finding a compromise acceptable to all, the bill requires that an application under a coastal site plan for erosion control includes three alternative options including, but not limited to:

1. Move back from the water
2. Build up – replacing sand where it shifted into the water
3. Hardening – building new sea walls for protection

This will allow local zoning boards and The State Department of Energy and the Environment (DEEP) to consider potential impact on the environment, the protection needed for property, and will allow them to weigh the benefits of all options before approving a control measure. It will create a dialogue on the best means to protect shoreline property, rather than simply adhering to the unwritten staff level regulatory policy of no sea wall construction. A regulatory policy that is currently in practice, but that runs contrary to our laws as well as the right of property owners to protect what is theirs.

DEEP Commissioner Dan Esty in his own words testified before this committee (February 22nd) last month saying, *“the best thing we can do is be flexible and thoughtful as an agency... I encourage people to come in and work with us..... Predictability is important.”*

I couldn't agree more.

I urge your support for **SB 376** as a fair compromise to try and navigate treacherous waters between shoreline residents and shoreline preservationists. Thank you.